

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Roger Johnson,

Case No. 3:19-cv-1692

Petitioner,

v.

ORDER

Kim Henderson, Warden,¹

Respondent.

Before me is the July 26, 2022 Report and Recommendation of Magistrate Judge Darrell A. Clay, (Doc. No. 13), recommending I deny the motion of Petitioner Roger Johnson for an evidentiary hearing and deny his petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. Nos. 1 & 11). Judge Clay also recommends I conclude Johnson's petition lacks merit.

Under the relevant statute, "[w]ithin fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1); *United States v. Walters*, 638 F.2d 947, 949 (6th Cir. 1981). More than 14 days have passed since Judge Clay issued his Report and Recommendation and Johnson has not filed any objections.

The failure to file written objections to the Magistrate Judge's Report and Recommendation constitutes a waiver of a determination by the district court of an issue covered in the report.

¹ Petitioner Roger Johnson currently is incarcerated at the Toledo Correctional Institution, where Kim Henderson is the Warden. *See* Toledo Correctional Institution, Ohio Dep't of Corrections, <https://drc.ohio.gov/toci> (last accessed Oct. 18, 2022). The Clerk of Court is ordered to substitute Henderson as the Respondent in this case. Fed R. Civ. P. 25(d).

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also Walters*, 638 F.2d at 950; *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (“[O]nly those specific objections to the magistrate’s report made to the district court will be preserved for appellate review.”).

Following my review of the Magistrate Judge’s Report and Recommendation, I accept Judge Clay’s recommendation, deny Johnson’s motion for an evidentiary hearing, and conclude Johnson’s petition lacks merit. Therefore, I dismiss his petition for habeas relief under § 2254. Further, I certify there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge